

Appl. No. 08/759,108
Amdt. dated February 17, 2005
Reply to Office Action of November 17, 2004

REMARKS/ARGUMENTS

Applicant's attorney thanks the Examiner for her comments and for her thoughtful analysis of the references. Claims 1, 2, 4-16 and 33 are presented for the Examiner's consideration. Claim 3 has been canceled and Claims 17-32 and 34 have been withdrawn.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested.

By way of the Office Action mailed November 17, 2004, the Examiner has provisionally rejected Claims 1, 2, 4-16 and 33 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1-32 of copending Application No. 10/627,061. To progress prosecution and allowance of the present application, Applicants herewith provide a Provisional Terminal Disclaimer to overcome the rejection. The present application and copending Application No. 10/627,061 were subject to an obligation of assignment to Kimberly-Clark Corporation at the time the invention was made. As a point of information, Kimberly-Clark Worldwide, Inc., the current assignee, is a wholly owned subsidiary of Kimberly-Clark Corporation.

By way of the Office Action mailed November 17, 2004, the Examiner has rejected Claims 1, 2, 4-16 and 33 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1-30 of U.S. Patent No. 6,639,120 B1. To progress prosecution and allowance of the present application, Applicants herewith provide a Terminal Disclaimer to overcome the rejection. The present application and U.S. Patent No. 6,639,120 B1 were subject to an obligation of assignment to Kimberly-Clark Corporation at the time the invention was made. As a point of information, Kimberly-Clark Worldwide, Inc., the current assignee, is a wholly owned subsidiary of Kimberly-Clark Corporation.

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Lastly, the Examiner's attention is drawn to the Information Disclosure Statement which is being filed contemporaneously herewith. The Examiner is requested to make of record receipt and review of the documents listed therein.

It is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-4405.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on February 17, 2005.

Typed or printed name of person signing this certificate:

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